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10/517,921	12/14/2004	Johannes Hubertus Antonius Brekelmans	NL02 0503 US	8884

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EXAMINER	
CHEN, JUNPENG	
ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
09/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No.	Applicant(s)	
	10/517,921	BREKELMANS, JOHANNES HUBERTUS ANTONIUS	
	Examiner	Art Unit	
	JUNPENG CHEN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's request of Continued Examination (RCE) filed on 08/22/2008 on amendments/arguments filed on 07/02/2008. Claims 12-22 have been amended. Currently, claims 12-22 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Badger (U.S. Patent No. 5,678,211)** in view of **Englmeier (U.S. Patent 7,119,834 B2)**.

Consider **claim 12**, Badger shows and discloses a receiver comprising a pre-calibrated tuner arranged therein, said tuner being pre-calibrated prior to arrangement in said receiver (read as tuner section 10 connects to DAC and combiner units 32, 34 and 36, and the tuning values are predetermined, lines 3-54 of column 2, Fig. 1) having at least one electronically tuned filter (read as filter 14, lines 3-16 of column 2, Fig. 1), wherein said receiver includes means for calibrating said electronically tuned filter by retrieving a calibration signal generated by the pre-calibration of said tuner (read as the digital trimming signal from ROM 42 for turning the filter 14 is from bus line 48, lines 37-54 of column 2).

However, Badger discloses the above claimed invention but does not specifically discloses the calibration signal identified by at least one identifier associated with at least one database filed in a database outside said receiver storing at least said calibration signal for calibrating said electronically tuned filter with said receiver.

Nonetheless, in related art, Englmeier discloses a receiver and system calibration system and method, comprising a tracking filter operates to provide

calibration in responsive to a calibration signal, the calibration signal is communicated through the network from a centralized system (read as the database outside of the receiver as claimed) to the receiver and is used to update a look up table (LUT, similar to ROM 42 above) that associated with the tracking filter, where the centralized system stores all pre-calibration signals for the receiver for any tilt introduced in the signal path, abstract and col. 1 with lines 35-40. Englmeier further discloses an feedback provided through an already established return path (read as the claimed identifier), which has been deployed for billing (e.g., pay per view) or other uses, such feedback is utilized to confirm calibration operation, provide calibration data to a centralized database, for system diagnoses, or other purpose, lines 58-62 of col. 2, line 64 of col. 8 to line 3 of col. 8.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Englmeier into the teachings of Badger for the purpose updating the calibrating parameters of the filter for any tilt introduced in the signal path.

Consider **claim 13**, **as applied to claim 12 above**, Badger, as modified by Englimeier, furthers discloses a receiver memory located outside the tuner for storing said at least one database field having said calibration signal (read as the LUT/PROM), said tuner comprising a tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that connects to LUT/PROM, Fig. 1) coupled to the receiver memory for receiving the calibration signal.

Consider **claim 14**, **as applied to claim 13 above**, Badger, as modified by Englimeier, discloses wherein said database is coupled to a network, with said receiver being coupled to said network (read as the receiver and network above).

Consider **claim 15**, **as applied to claim 13 above**, Badger, as modified by Englimeier, further discloses wherein said calibration signal stored in the database and/or in the receiver memory (read as LUT/PROM, Fig. 1) comprises a digital calibration signal (read as digital trimming control signal, lines 47-53 of column 2), with the receiver comprising a digital-to-analog converter (read as DAC 32, Fig. 1) for converting the digital calibration signal into an analog calibration signal (read as DAC 32 uses digital trimming signal to determine VC14, lines 22-37 of column 2, Fig. 1).

Consider **claim 16**, **as applied to claim 15 above**, Badger, as modified by Englimeier, furthers shows and discloses a receiver, characterized in that the tuner comprises the digital-to-analog converter (read as DAC 32, Fig. 1) located between the tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that connects to LUT/PROM, Fig. 1) and the electronically tuned filter (read as filter 14, Fig. 1).

Consider **claim 17**, Badger discloses a tuner (read as tuner section 10 connects to DAC and combiner units 32, 34 and 36, and the tuning values are predetermined, lines 3-54 of column 2, Fig. 1) comprising at least one pre-calibrated electronically tuned filter (read as filter 14, lines 3-16 of column 2, Fig. 1) for use in a receiver comprising the tuner (read as the tuning section 10, Figure 1), wherein said receiver comprises calibration means for retrieving a calibration signal generated by during the pre-

calibration of said electronically tuned filter (read as the digital trimming signal from ROM 42 for turning the filter 14 is from bus line 48, lines 37-54 of column 2).

However, Badger discloses the above claimed invention but does not specifically discloses the retrieving is by at least one identifier for identifying at least one database filed in a database situated outside said receiver for storing at least said calibration signal for calibrating said electronically tuned filter upon arrangement in said receiver.

Nonetheless, in related art, Englmeier discloses a receiver and system calibration system and method, comprising a tracking filter, which is arranged in the receiver, operates to provide calibration in responsive to a calibration signal, the calibration signal is communicated through the network from a centralized system (read as the database outside of the receiver as claimed) to the receiver and is used to update a look up table (LUT, similar to ROM 42 above) that associated with the tracking filter, where the centralized system stores all pre-calibration signals for the receiver for any tilt introduced in the signal path, abstract and col. 1 with lines 35-40. Englmeier further discloses an feedback provided through an already established return path (read as the claimed identifier), which has been deployed for billing (e.g., pay per view) or other uses, such feedback is utilized to confirm calibration operation, provide calibration data to a centralized database, for system diagnoses, or other purpose, lines 58-62 of col. 2, line 64 of col. 8 to line 3 of col. 8.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Englmeier into the

teachings of Badger for the purpose updating the calibrating parameters of the filter for any tilt introduced in the signal path.

Consider **claim 18**, **as applied to claim 17 above**, Badger, as modified by Englimeier, furthers discloses a tuner bus for coupling to a receiver memory for receiving said calibration signal stored in said receiver memory (read as the LUT/PROM).

Consider **claim 19**, **as applied to claim 18 above**, Badger, as modified by Englimeier, furthers discloses wherein said calibration signal stored in the database and/or in the receiver memory (read as LUT/PROM, Fig. 1) comprises a digital calibration signal (read as digital trimming signal, lines 22-53, column 2), and wherein the receiver further comprises a digital-to-analog converter for converting the digital calibration signal into an analog calibration signal (read as DAC 32 converts digital trimming signal into VC14, lines 17-53, column 2, Fig. 1).

Consider **claim 20**, **as applied to claim 19 above**, Badger, as modified by Englimeier, furthers shows and discloses a tuner, characterized in that the tuner comprises the digital-to-analog converter (read as DAC 32, Fig. 1) located between the tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that connects to LUT/PROM, Fig. 1) and the electronically tuned filter (read as filter 14, Fig. 1).

Consider **claim 21**, Badger a method for electronically tuning at least one pre-calibrated electronically tuned filter (read as filter 14 is being tuned by VC14 from DAC 32, which uses trimming signal from PROM 42) in a tuner (read as tuner section 10

connects to DAC and combiner units 32, 34 and 36, and the tuning values are predetermined, lines 3-54 of column 2, Fig. 1) in a receiver, wherein said method comprises the steps of generating a calibration signal by pre-calibrating said electronically tuned filter prior to arrangement in said receiver (read as the digital trimming signal from ROM 42 for turning the filter 14 is from bus line 48, lines 37-54 of column 2).

However, Badger discloses the above claimed invention but does not specifically discloses associating said calibration signal with an identifier of at least one database field in a database situated outside said receiver, and downloading the calibration signal from said database for calibrating said electronically tuned filter within said receiver.

Nonetheless, in related art, Englmeier discloses a receiver and system calibration system and method, comprising a tracking filter operates to provide calibration in responsive to a calibration signal, the calibration signal is communicated through the network from a centralized system (read as the database outside of the receiver as claimed) to the receiver and is used to update a look up table (LUT, similar to ROM 42 above) that associated with the tracking filter, where the centralized system stores all pre-calibration signals for the receiver for any tilt introduced in the signal path, abstract and col. 1 with lines 35-40. Englmeier further discloses an feedback provided through an already established return path (read as the claimed identifier), which has been deployed for billing (e.g., pay per view) or other uses, such feedback is utilized to confirm calibration operation, provide calibration data to a centralized database, for

system diagnoses, or other purpose, lines 58-62 of col. 2, line 64 of col. 8 to line 3 of col. 8.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Englmeier into the teachings of Badger for the purpose updating the calibrating parameters of the filter for any tilt introduced in the signal path.

Consider **claim 22**, Badger discloses a method comprising:

providing tuners that comprise at least one pre-calibrated electronically tunable filter (read as tuner section 10/filter 14 connects to DAC and combiner units 32, 34 and 36, and the tuning values are predetermined and stored in PROM 42, lines 3-54 of column 2, Fig. 1).

However, Badger discloses the above claimed invention but does not specifically discloses at least one identifier for retrieving a calibration signal generated during the pre calibration of said electronically tunable filter from at least one database field in a database situated outside said tuner; and operating the database that comprises the database fields for storing calibration signals for calibrating the electronically tunable filter upon arranging the electronically tunable filter within a receiver.

Nonetheless, in related art, Englmeier discloses a receiver and system calibration system and method, comprising a tracking filter, which is arranged in the receiver, operates to provide calibration in responsive to a calibration signal, the calibration signal is communicated through the network from a centralized system (read as the database outside of the receiver as claimed) to the receiver and is used to

update a look up table (LUT, similar to ROM 42 above) that associated with the tracking filter, where the centralized system stores all pre-calibration signals for the receiver for any tilt introduced in the signal path, abstract and col. 1 with lines 35-40. Englmeier further discloses an feedback provided through an already established return path (read as the claimed identifier), which has been deployed for billing (e.g., pay per view) or other uses, such feedback is utilized to confirm calibration operation, provide calibration data to a centralized database, for system diagnoses, or other purpose, lines 58-62 of col. 2, line 64 of col. 8 to line 3 of col. 8.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Englmeier into the teachings of Badger for the purpose updating the calibrating parameters of the filter for any tilt introduced in the signal path.

Badger, as modified by Englmeier, discloses the method above but fails to mention a method of "selling". However, it is examiner's contention that since the limitations are taught by Badger, the "selling" method in the preamble is taught as well.

Conclusion

6. Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junpeng Chen whose telephone number is (571) 270-1112. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Junpeng Chen
J.C./jc

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618